

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DONALD E. CLARK,	:	CIVIL ACTION NO. 1:20-CV-1240
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
C.O. JONES, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 12th day of April, 2021, upon consideration of the report (Doc. 19) of Magistrate Judge Susan E. Schwab, issued following screening review of the *pro se* plaintiff's complaint (Doc. 1) pursuant to 28 U.S.C. § 1915A(b), wherein Judge Schwab recommends that the instant complaint be dismissed for failure to state a claim for which relief may be granted, and recommends that leave to amend not be granted in light of the fact that plaintiff has already once been granted an opportunity to cure the deficiencies identified in his pleading, and it appearing that the plaintiff has not objected to any aspect of the report, see FED. R. CIV. P. 72(b)(2),¹ and the court noting that failure to timely object to a magistrate judge's conclusions "may result in forfeiture of *de novo* review at the district court level," Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should afford

¹ The initial mailing of the report was refused by the Pennsylvania Department of Corrections and returned to the court as undeliverable on March 16, 2021. The report was remailed to plaintiff with the appropriate control number that same day, and we have received no indication that the remailing was unsuccessful.

“reasoned consideration” to the uncontested portions of the report, E.E.O.C. v. City of Long Branch, 866 F.3d 93, 100 (3d Cir. 2017) (quoting Henderson, 812 F.2d at 879), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following independent review of the record, the court being in agreement with Judge Schwab’s recommendation, including her determination that further leave to amend would likely be futile, and thus concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 19) of Magistrate Judge Schwab is ADOPTED.
2. Plaintiff’s complaint (Doc. 1) is DISMISSED.
3. The Clerk of Court shall CLOSE this case.
4. Any appeal from this order is deemed to be frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania